

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

V.

JEFFREY DEROND KERSEE

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§

CRIMINAL NO. H-12-639

ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts are established by clear and convincing evidence and require the detention of the above-named defendant pending trial in this case.

Findings of Fact

☐ A. Findings of Fact [18 U.S.C. § 3142(e), § 3142(f)(1)].

☐ (1) The defendant has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is

☐ a crime of violence as defined in 18 U.S.C. § 3156(a)(4).

☐ an offense for which the maximum sentence is life imprisonment or death.

☐ an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. () § 801 et seq. () § 951 et seq. () § 955(a).

☐ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1) (A)-(C), or comparable state or local offenses.

☐ (2) The offense described in finding 1 was committed while the defendant was on release pending trial for a federal, state or local offense.

☐ (3) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding 1.

☐ (4) Findings Nos. 1, 2, and 3 establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community. I further find that the defendant has not rebutted this presumption.

☐ B. Findings of Fact [18 U.S.C. § 3142(e)]

☐ (1) There is probable cause to believe that the defendant has committed an offense

☐ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C.

☐ § 801 et seq. ☐ § 951 et seq. ☐ § 955(a).

☐ under 18 U.S.C. § 924(c).

☐ (2) The defendant has not rebutted the presumption established by the finding under B.(1) that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

☒ C. Findings of Fact [18 U.S.C. § 3142(f)(2)]

☐ (1)

☒ (2) There is a serious risk that the defendant will flee.

☐ (3)

☐ (4) There is a serious risk that the defendant will (obstruct or attempt to obstruct justice) (threaten, injure, or intimidate a prospective witness or juror, or attempt to do so).

☒ D. Findings of Fact [18 U.S.C. § 3142(c)]

☐ (1) As a condition of release of the defendant, bond was set as follows:

Defendant has stated that he is financially unable to meet this condition of release. The Court has been asked to reconsider. I have concluded that the bond requirement is the only condition of release that could assure the appearance of the defendant. I find that the amount of bond is reasonable and necessary.

☐ (2)

☒ (3) I find that there is no condition or combination of conditions set forth in 18 U.S.C. § 3142(c) which will reasonably assure the appearance of the defendant as required.

☐ (4)

[] (5) I find that there is no condition or combination of conditions set forth in 18 U.S.C. § 3142(c) which will reasonably assure the safety of any other person or the community.

Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence that:

Jeffrey Derond Kersee has been charged by Indictment with transportation of minors in violation of 18 U.S.C. 2423(a) (Count one) and coercion and enticement in violation of 18 U.S.C. 2422(b) (Count two).

I conclude that the following factors specified in 18 U.S.C. § 3142(g) are present and are to be taken into account:

Evidence presented at the probable cause and detention hearing shows the grand jury has made a probable cause determination that Jeffrey Derond Kersee ("Kersee") committed the offenses described in the Indictment and testified to at the hearing. This gives rise to a presumption of flight and danger to the community under 18 U.S.C. §3142(e)(3)(e) which Kersee has not rebutted.

At the detention hearing, the case agent testified that Kersee knowingly transported a minor from the State of Florida to the State of Texas for the purpose of engaging in sexual activity. The case agent testified that Kersee provided the fifteen year old female with a bus ticket. He gave the minor a password to get the ticket from the bus station. The minor had met him on a social networking site. Kersee is 26 years old. The minor traveled from Florida to Houston, Texas on August 11, 2012. He picked her up at the bus station and took her to the Galaxy Inn Hotel. Kersee had rented the room for himself and kept the minor there for three days. The case agent testified that two engaged in sex and it was violent. Kersee had a short temper and punched the minor in the face. Kersee told the case agent that he intended for them to live together and be a couple.

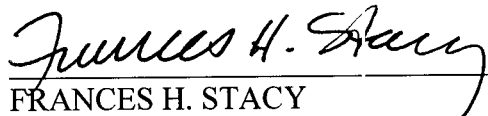
He has family ties to the community. He was arrested in March 2012 for domestic violence on the mother of his child. Kersee could not be found at the address on his drivers license. He gave false information of his whereabouts. His mother told the police he was in Iraq, when he was actually in the Harris County Jail. He has never been in the military. Kersee uses marijuana. His criminal history includes a misdemeanor driving while license invalid and he has been charged with assault in Harris County, Texas. The risk of flight is enhanced by the lengthy prison term Kersee faces if he is convicted of the instant offense.

Accordingly, having determined that there are no standard conditions of release to assure the appearance of the Defendant at all future court proceedings in this matter, the Court ORDERS that Defendant Jeffrey Derond Kersee be DETAINED pending further proceedings in this matter.

Directions Regarding Detention

It is therefore ORDERED that the defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On Order of a Court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with all court proceedings.

Signed at Houston, Texas, this 6th day of November 2012.


FRANCES H. STACY
UNITED STATES MAGISTRATE JUDGE